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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/010,193	01/21/1998	DAVID LEE GARRISON	23952-0046	8380

72386 7590 11/04/2008
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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2169

MAIL DATE	DELIVERY MODE
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11/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/010,193	Applicant(s) GARRISON ET AL.	
	Examiner Sana Al-Hashemi	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59,64 and 66-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59,64 and 66-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/16/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is issued in response to amendment/RCE filed 10/16/08.

Claims 1-55 were canceled. Claims 56-58, 60-63, and 65 were withdrawn. Claims 70-81 were added. Claims 59, 64, 66-69 were amended.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/08 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/16/08 were entered and considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Regarding claims 64, 67, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 59, 64, 66-81 are rejected under 35 USC 102(e) as being anticipated by Remington et al. (Remington hereinafter) US Patent No. 6,968,319 filed Oct. 18, 1996.

Regarding Claim 59, 64, 66, 67, 68, and 69, Remington discloses a method comprising:
transmitting, from a source system processor to a remittance payment processor, a set of payment requests on behalf of a plurality of payors (Fig. 5, 150, Col. 3, lines 13-16, Remington);

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receiving, from the remittance payment processor (Col. 4, lines 37-44, Remington), a set of payment instructions, generated by remittance payment processor wherein the generation of the set of payments instruction include includes at least one of:

(i) identifying a payee in a merchant database based, at least in part, on information in a payment request of the ser of payments requests and retrieving information with the payee (Fig. 6, 192, Remington) from the merchant database wherein the information is included in a payment instruction of the set of payment instructions (Fig. 5, 154, 160, and Fig. 6, 176, Remington), and

issuing by the source processor payments in accordance with the set of payment instructions received from the remittance payment processor including a payment associated with the payment request, wherein the payment reflects the at least one of the identified payee, determined remittance center, or altered account number to the remittance center specified in the payment instructions (Fig. 6, Col. 8, 9 lines 59-67, and lines 1-4, respectively, Remington).

Regarding Claims 70, 76, and 79, Remington discloses a computer- implemented method wherein the generation of the set of payment instruction further includes determining a remittance center of the payee to which the payment is to be sent and wherein the payment is directed to the determined remittance (Col. 9, liens 25-32, Remington).

Regarding Claims 71, 74, 77, and 80, Remington discloses a computer-implemented method wherein the generation of the set of payment instruction further includes altering an account number associated with the payment request to at least one alteration rule associated with the payee, and wherein the payment includes the altered account number (Col, 9, lines 17-23, Remington).

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Regarding Claims 72, 75, 78, and 81, Remington discloses a computer-implemented method wherein the issued payment is electronic credit transmitted from the source system processor to an external entity (Col. 4, lines 7-18, Remington).

Regarding Claim 73, Remington discloses a system wherein the generation of the set of payment instructions further includes determining a remittance center of the payee to which payment is to be sent, and wherein the payment is directed to the determined remittance center (Col. 7, lines 55-65, Remington).

Response to Arguments

Applicant's arguments filed 10/16/08 have been fully considered but they are not persuasive.

Applicant argues the applied art fails to disclose the "the merchant payment processing system residing at the source while the remittance processing is performed by a separate entity as required by the each pending independent claims. By having a merchant processing system residing at a source system and collaborating with a separate remittance payment processor".

Examiner disagrees. Each of the pending indented claims has been addressed in the rejection above, and with respect to the newly amended limitation "from a source system processor" examiner first the source system was not defined in the specification in any specific way other than the well known definition of a source system, therefore the term was given the broadest reasonable interpretation and point to Col. 4, lines 37-44, which corresponds to the source system. Thus examiner believes the limitation has been met.

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Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4125. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2164